

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CHRISTINA WILLIAMS and MICHAEL
STERMEL, on behalf of themselves and all
others similarly situated,**

Plaintiffs,

v.

**RED STONE, INC., as successor in interest
to MACFARLANE GROUP, INC.,
MEDLEY OPPORTUNITY FUND II, LP,
MARK CURRY, BRIAN MCGOWAN,
VINCENT NEY, and other JOHN DOE
persons or entities,**

Defendants.

No. 2:18-cv-02747-MSG

**DEFENDANT RED STONE, INC.'S JOINDER TO REPLY IN SUPPORT OF
MOTION TO DISMISS WITHOUT PREJUDICE OR TO STAY PROCEEDINGS
BY DEFENDANT MARK CURRY**

Specially-Appearing Defendant Red Stone, Inc., as successor in interest to MacFarlane Group, Inc. (“Red Stone”),¹ by counsel, respectfully moved this Court to dismiss, or alternatively to stay proceedings, in this action under the first-filed rule because of three duplicative putative class actions that are pending in the Eastern District of Virginia. *See Solomon, et al. v. American Web Loan Inc., et al.*, No. 4:17-cv-00145-HCM-RJK (E.D. Va.) (filed Dec. 15, 2017); *Hengle, et al. v. Curry, et al.*, No. 4:18-cv-75-HCM-RJK (E.D. Va.) (filed Feb. 13, 2018); and *Glatt, et al. v. Curry, et al.*, No. 4:18-cv-00101-HCM-RJK (E.D. Va.) (filed Aug. 9, 2018). (ECF No. 25.)

¹ Red Stone, Inc. is wholly-owned by the federally recognized Otoe-Missouria Tribe of Indians, and therefore, appears here specially for the sole and limited purpose of filing this motion seeking dismissal or stay of this action. By making this motion, Red Stone does not waive, and expressly reserves, all defenses available to it, including lack of subject-matter jurisdiction and tribal immunity from suit.

In the interest of judicial economy, and as expressly permitted by Federal Rule of Civil Procedure 10(c), Red Stone expressly adopts and incorporates by reference as if set forth in full herein the arguments presented in reply in support of motion to dismiss without prejudice or to stay proceedings filed on behalf of Defendant Mark Curry, on October 29, 2018. (ECF No. 37.)

Further, as expected at the time Defendant Mark Curry filed the proposed reply brief with his motion for leave (ECF No. 35), the *Hengle* plaintiffs filed a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) on October 29, 2018. The dismissals of the *Hengle* and *Glatt* actions have no impact on application of the first-filed rule given the substantial similarity between the parties, the claims, and the defenses in this matter and the pending *Solomon* action. Accordingly, a dismissal or stay of this action under the first-filed rule is the appropriate remedy.

Date: October 31, 2018

Respectfully submitted,

RED STONE, INC., successor in interest to
MACFARLANE GROUP, INC.

By Counsel

/s/

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